



**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
OCTOBER 6 and 7, 2015
FIRST AMENDED**

The following cases are placed upon the calendar of the Supreme Court for hearing at a Special Student Outreach Session **in the Ronald M. George State Office Complex, Milton Marks Auditorium, Lower Level, 350 McAllister Street, San Francisco, California**, on Tuesday morning, October 6, 2015.

TUESDAY, OCTOBER 6, 2015—9:00 A.M.

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| (1) | S220289 | Howard Jarvis Taxpayers Association et al. v. Alex Padilla, as Secretary of State, etc. (Legislature of the State of California) |
| (2) | S206587 | Gillette Company et al., v. Franchise Tax Board (<i>Chin, J., not participating; Murray, Jr., J., assigned justice pro tempore</i>) |
| (3) | S213132 | Hampton (Randall Keith) et al. v. County of San Diego |

The following cases are placed upon the calendar of the Supreme Court for hearing **at its courtroom in the Ronald M. George State Office Complex, 350 McAllister Street, Fourth Floor, San Francisco, California**, on Tuesday afternoon, October 6, and Wednesday 7, 2015.

TUESDAY, OCTOBER 6, 2015—2:00 P.M.

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| (4) | S143743 | People v. Mendoza (Huber Joel) [Automatic Appeal] |
| (5) | S120583 | People v. Cage (Micky Ray) [Automatic Appeal] |

WEDNESDAY, OCTOBER 7, 2015—9:00 A.M.

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| (6) | S213478 | California Building Industry Association v. Bay Area Air Quality Management District |
| (7) | S216305 | Quesada (Michelle) v. Herb Thyme Farms, Inc. |
| (8) | S209643 | People v. Stevens (Mark) |

1:30 P.M.

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| (9) | S115872 | People v. Sandoval, Jr. (Ramon) [Automatic Appeal] |
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CANTIL-SAKAUYE

Chief Justice

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c).)

**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
OCTOBER 6 and 7, 2015**

The following case summaries are issued to inform the public about cases that the California Supreme Court has scheduled for oral argument and of their general subject matter. In most instances, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

TUESDAY, OCTOBER 6 2015—9:00 A.M.

(1) *Howard Jarvis Taxpayers Association et al. v. Alex Padilla, as Secretary of State, etc. (Legislature of the State of California), S220289*

#14-94 Howard Jarvis Taxpayers Association et al. v. Alex Padilla, as Secretary of State, etc. (Legislature of the State of California), S220289. Original proceedings. The court issued an order to show cause directing the parties to show cause why the relief prayed for in the petition for writ of mandate should not be granted. This case involves the validity of proposed Proposition 49 for the November 2014 General Election — specifically, whether the Legislature had the authority to place a non-binding measure on the ballot seeking the views of the electorate.

(2) *Gillette Company et al., v. Franchise Tax Board, S206587 (Chin, J., not participating; Murray, Jr., J., assigned justice pro tempore)*

#13-05 Gillette Company et al., v. Franchise Tax Board, S206587. (A130803; 209 Cal.App.4th 938; San Francisco County Superior Court; CGC-10-495911.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case includes the following issue: Were multistate taxpayers required to apportion business income according to the formula set forth in Revenue and Taxation Code section 25128 as amended in 1993 or could they elect to apportion income according to the formula set forth in former Revenue and Taxation Code section 38006 pursuant to the adoption of the Multistate Tax Compact in 1974?

(3) *Hampton (Randall Keith) et al. v. County of San Diego, S213132*

#13-93 Hampton (Randall Keith) et al. v. County of San Diego, S213132. (D061509; 218 Cal.App.4th 286; San Diego County Superior Court; 37-2010-00101299-CU-PA-CTL.) Petition

for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: Does a public entity establish the second element of design immunity under Government Code section 830.6—discretionary approval of design plans—as a matter of law by presenting evidence that its design plans were approved by an employee with the discretion to do so, even if the plaintiff presents evidence that the design at issue violated the public entity’s own standards?

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TUESDAY, OCTOBER 6, 2015—2:00 P.M.

(4) ***People v. Mendoza (Huber Joel)*, S143743** [Automatic Appeal]

This matter is an automatic appeal from a judgment of death.

(5) ***People v. Cage (Micky Ray)*, S120583** [Automatic Appeal]

This matter is an automatic appeal from a judgment of death.

WEDNESDAY, OCTOBER 7, 2015—9:00 A.M.

(6) ***California Building Industry Association v. Bay Area Air Quality Management District* S213478**

#13-103 California Building Industry Association v. Bay Area Air Quality Management District, S213478. (A135335, A136212; 218 Cal.App.4th 1171; Alameda County Superior Court; RG10548693.) Petition for review after the Court of Appeal reversed the judgment in an action for writ of administrative mandate. The court limited review to the following issue: Under what circumstances, if any, does the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) require an analysis of how existing environmental conditions will impact future residents or users (receptors) of a proposed project?

(7) ***Quesada (Michelle) v. Herb Thyme Farms, Inc.*, S216305**

#14-43 Quesada (Michelle) v. Herb Thyme Farms, Inc., S216305. (B239602; 222 Cal.App.4th 642; Los Angeles County Superior Court; BC436557.) Petition for review after the Court of

Appeal affirmed the judgment in a civil action. The court limited review to the following issue: Does the Organic Foods Production Act of 1990 (7 U.S.C. § 6501 et seq.) preempt state consumer lawsuits alleging that a food product was falsely labeled “100% Organic” when it contained ingredients that were not certified organic under the California Organic Products Act of 2003 (Food & Agr. Code, § 46000 et seq.; Health & Saf. Code, § 110810 et seq.)?

(8) *People v. Stevens (Mark)*, S209643

#13-47 *People v. Stevens (Mark)*, S209643. (B241356; 213 Cal.App.4th 1301; San Luis Obispo County Superior Court; F471357.) Petition for review after the Court of Appeal affirmed an order of commitment as a mentally disordered offender. The court limited review to the following issue: May an expert’s testimony in support of a defendant’s commitment under the Mentally Disordered Offender Act (Pen. Code § 2960 et seq.) that the defendant used force or violence in committing the commitment offense (Pen. Code § 2962, subd. (e)(P)) and that he received treatment for at least 90 days in the year before being paroled (Pen. Code § 2962, subd. (c)) be based entirely on hearsay?

1:30 P.M.

(9) *People v. Sandoval, Jr. (Ramon)*, S115872 [Automatic Appeal]

This matter is an automatic appeal from a judgment of death.